IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3298 OF 2001

IN

FIRST APPEAL (ST) NO. 42362 OF 1998

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

A.R.Patil, Govt pleader present.

CORAM: S.B. DESHMUKH, J.

September 14, 2006.

P.C. :

1. Heard the learned AGP. Respondent served, absent.

2. The applicant is seeking condonation of 168 days delay occurred in filing of First Appeal in this court. The respondent had filed an application seeking enhancement in the amount of compensation. The said application was heard and disposed

off by the learned trial court. Application filed by the respondent was partly allowed. This order passed by the trial court is challenged by filing appeal in this court.

3. The applicant, submits, that while challenging the order passed by the trial court, they are required to follow the procedure for filing of the appeal. In paragraph 3 it is stated that on receipt of the certified copy of the judgment of the trial court, proposal was moved for filing of the appeal. In this process delay of about 168 days has occurred in filing of First Appeal in this court.

4. None appears for the respondents despite the service by this court. There is no reply filed

by the respondents. In this view of the matter, statement made in paragraph 3 of the application explaining the delay occurred is accepted. It is not the case that the appellant is resorting to dilatory tactics. Delay is bonafide.

5. Delay of 168 days occurred in filing of the application, is condoned. Civil Application is accordingly allowed and disposed off.

sd/-

(JUDGE)